NOTIFICATION

Law and Judiciary Department,
Mantralaya, Mumbai-400 032.
Dated the 3rd August 2009.

Constitution of India.

No. ECJ 0109/87/C.R.39/D-11.-WHEREAS pursuant to the Resolution passed in the Joint Conference of Chief Ministers and Chief Justices, held at New Delhi on the 18th September 2004, all the Chief Ministers and Chief Justices were requested by the Honourable Chief Justice of India to take appropriate steps for speedy disposal of cases pending in the Courts.

NOW, THEREFORE, in exercise of the powers conferred by the proviso to articles 309, 227 and 235 of the Constitution of India and of all other powers enabling it in this behalf, the Governor of Maharashtra, in consultation with the High Court of Bombay, hereby makes the following rules for introduction and implementation of the scheme of Evening Courts in the State of Maharashtra, namely :-

1. **Short title.-** These rules may be called the Maharashtra Evening Courts Rules, 2009.

2. **Definitions**.- In these rules, unless the context otherwise requires,-

(*a*) "Court" means the Court under the control of the High Court;

(*b*) "Evening Court" means the Court as notified under rule 6 of these rules;

(*c*) "Evening Court Judge" means any person appointed under rule 4 of these rules, to preside over an Evening Court;

(*d*) "Government" means the Government of Maharashtra;

(*e*) "High Court" means the High Court of Bombay;

(*f*) "Member of staff" means any person or employees working in the Courts.

3. **Jurisdiction of Evening Court.-** The Evening Court shall have jurisdiction in respect of the following categories of cases, namely :-

(*a*) Complaints under section 138 of Negotiable Instruments Act, 1881 (26 of 1881);

(*b*) cases pertaining to offences triable summarily under Chapter XXI of the Code of Criminal Procedure, 1973 (2 of 1974);

(*c*) any other case transferred to the Evening Court with the consent of the parties.

4. **Appointment of Evening Court Judges**.- (*1*) The High Court may appoint, depute or transfer any serving Judicial Officer as an Evening Court Judge.

(*2*) The Government may, in consultation with the High Court, appoint any retired Judicial Officer as an Evening Court Judge:

Provided that, no person shall act as an Evening Court Judge after he has completed sixty five years of age.

5. **Appointment of member of staff of Evening Court.-** (*1*)The Presiding Officer may, in consultation with the Principal District Judge or the Chief Metropolitan Magistrate at the station, as the case may be, appoint any serving member of the staff to be a member of the staff of the Evening Court.

(*2*) The Principal District Judge or the Chief Metropolitan Magistrate may appoint any person who had been a member of the staff to be a member of the staff of Evening Court :

Provided that, no person shall work as a member of the staff in the Evening Court after he has completed sixty two years of age.

(*3*) The number of staff shall not exceed more than four, that is, one Sheristedar or one who is holding a post not higher than that of the Sheristedar, one Stenographer (Lower Grade), one Clerk-Typist and one Peon, for each Evening Court.

6. **Notification of Evening Courts**.- The High Court may, in consultation with the Government, notify the courts to be the Evening Courts under these rules.

7. **Working Hours**.- All Evening Courts shall sit at the same hour in the evening everyday except on holiday. The ordinary Evening Court hours shall be from 6.00 p.m. to 8.00 p.m.

8. **Remuneration of Evening Court Judges and members of staff in Evening Courts**.- (*1*) Where the serving Judicial Officers are appointed to preside over the Evening Courts, they shall be paid twenty per cent of the Basic Pay plus Dearness Pay plus Dearness Allowance in existing scale or twenty per cent of basic pay in revised scale as per Sixth Pay Commissions as the Special Allowances.

(*2*) Every Judicial Officer who is the retired Judge and has been appointed as an Evening Court Judge shall be entitled to allowances/honorarium as may be specified by the Government by order.

(*3*) Every member of the staff appointed in Evening Courts shall receive twenty per cent of his Basic Pay plus Dearness Pay as a Special Allowance with the Dearness Allowance in unrevised scale or twenty per cent of basic pay in scale revised as per Sixth Pay Commission.

(*4*) Every member of the staff who is the retired person and has been appointed as a member of the Evening Court shall be

entitled to allowances/honorarium as may be specified by the Government by order.

9. **Powers of Evening Court Judge**.- Any person appointed as an Evening Court Judge under rule 4 of these rules, shall be vested with the powers to try cases mentioned in rule 3 of these rules.

10. **Supervision and control.**- Subject to the overall control of the High Court, the Principal District Judge or the Chief Metropolitan Magistrate at the station, as the case may be, shall supervise and monitor the functioning of the Evening Courts.

11. **Conditions of service.-** (*1*) Save as otherwise provided by these rules, an Evening Court Judge appointed under sub-rule (2) of rule 4 and members of the staff appointed under sub-rule (2) of rule 5, to work in the Evening Court shall be governed by the conditions as may be specified by the Government by order :

Provided that, the services of the Evening Court Judge appointed under sub-rule (2) of rule 4 and a member of staff appointed under sub-rule (2) of rule 5, to work in the Evening Court may be terminated by the appointing authority at any time without notice and without assigning any reason and upon such termination he shall immediately cease to hold such office :

Provided further that, such termination of service shall not count adversely against that person in any manner.

12. Savings.- (*1*) The law in force as applicable to Courts shall also be applicable to Evening Courts notified under these rules.

(*2*) The jurisdiction of Evening Court to deal with cases specified in rule 3 of these rules shall be concurrent with the Court.

By order and in the name of the Governor of Maharashtra.

(M. N. Gilani)
Principal Secretary & R.L.A.